UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,836	12/08/2000	Edwin H. Wrench JR.	0918.0011C	1865

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EXAMINER
PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/731,836	WRENCH, EDWIN H.
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-36 are pending.

2.   Amendment filed 07/26/2005 has been received and

considered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful improvement
> thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 16-19 rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The

above claims relate merely to a carrier signal that is not tied

to a technological art, environment or machine which would

result in a practical application producing a concrete, useful,

and tangible result to form the basis of statutory subject

matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

5.   Claims are rejected under 35 U.S.C. 103(a) as being

unpatentable over Liu (6484263), further in view of Kanevsky et

al (US 5953700) and further in view of Carter et al (US

6266418).

As per claims 1, 12, 16, 20, 31, and 34, Liu discloses a

network accessed by a network interface including a voice

browser for receiving voice signals from a user and accessing

and navigating web sites in accordance with said received voice

signals, said system comprising: a security module to facilitate

retrieval of information from said user in the form of voice

signals and to identify security related information received by

said network interface from a secure web site in response to

said voice browser accessing said secure web site based on voice

commands from said user, a storage unit to store voice and

security information associated with authorized users of said

systems wherein said security a security system to communicate

with said security module and said storage unit and to process

for said network interface said identified security information

wherein said security system includes: a verification module to

verify said user as an authorized system user; a retrieval

module to retrieve said security information of said verified

user from said storage unit (see column 3 lines 20-67).

Liu fails to disclose the authorization being a comparison

of the user voice signals with the stored voice information

being stored remotely and also fails to disclose negotiating

parameters for a secure session.

However, Kanevsky teaches comparing and storing information

remotely (see column 7 line 60 through column 8 line 6) and

Carter teaches negotiating parameters (see column 8 lines 6-34).

At the time of the invention it would have been obvious to

a person of ordinary skill in the art to store Liu's information

remotely as in Kanevsky and to negotiate parameters as in

Carter.

Motivation to do so would have been to allow for the use of

portable devices (see Kanevsky column 7 lines 20-39) and to

determine the encryption algorithm to be used in the secure

session (see Carter column 8 lines 6-19).

As per claims 2, 21, 32 and 35, the modified Liu, Kanevsky

and Carter system discloses the network includes the Internet

(see Liu column 3 lines 20-67).

As per claims 3, 22, 33 and 36, the modified Liu, Kanevsky

and Carter system discloses the network interface is in

communication with a communications device located remotely of

said network interface, and said security module facilitates

retrieval of said user voice signals from said communications

device (see Kanevsky column 7 line 60 through column 8 line 6

and Liu column 3 lines 20-67).

As per claims 4-6 and 23-25, the modified Liu, Kanevsky and

Carter system discloses the communications device includes a

telephone, and a computer system with a microphone (see Kanevsky

column 6 lines 40-64).

As per claims 7, 13, 17 and 26, the modified Liu, Kanevsky

and Carter system discloses an identification module to identify

said security related information received by said network

interface from said secure web site; a communications module to

facilitate communications with said security system and said

network interface, wherein said communications module includes;

a send module to provide said user information and said

identified security information to said security system to

facilitate verification of said user and negotiation of said

communication parameters; a receive module to receive a request

for said user information, verification results, responses to

said identified security information and said negotiated

communication parameters from said security system; and an

interface module for providing said responses and said

negotiated parameters to said network interface to facilitate

secure communications over said network between said secure web

site and said voice browser; and a user interface module to

facilitate said user information request for retrieval of said

user information and to provide said verification results to

said user (see Liu column 3 lines 20-67 as modified by Kanevsky

and Carter in the above claims).

As per claims 8, 14, 18 and 27, the modified Liu, Kanevsky

and Carter system discloses an identification verification

module to validate an identification within said user

information associated with an authorized system user; an access

module to retrieve said voice information from said storage unit

associated with said identification; a selection module to

select portions of said retrieved voice information and generate

said user information request, wherein said generated request

includes a request for user information corresponding to said

selected portions of said retrieved voice information, and

wherein said verification module verifies said user by comparing

said user voice signals received from said security module in

response to said user information request with said stored voice

information associated with an authorized user identified by

said identification and said negotiation module processes said

identified security information received from said security

module and generates said responses thereto with said retrieved

security information to negotiate said communication parameters;

and a security communications module to facilitate

communications with said security module, wherein said security

communications module includes: a security send module to

provide said user information request, said verification

results, said generated responses and said negotiated parameters

to said security module; and a security receive module to

receive said user voice signals and said identified security

information from said security module (see Liu column 3 lines

20-67 as modified by Kanevsky and Carter in the above claims).

As per claims 9 and 28 the modified Liu, Kanevsky and

Carter system discloses the storage unit includes a database

(see Kanevsky column 7 line 60 through column 8 line 6).

As per claims 11, 15, 19 and 30, the modified Liu, Kanevsky

and Carter system discloses an enrollment module to retrieve

voice signals from said authorized system users and process said

authorized system user voice signals to produce said voice

information for storage in said storage unit (see Kanevsky

column 7 line 60 through column 8 line 6).

6.   Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the modified Liu, Kanevsky and Carter

system as applied to claims 2 and 21 above, and further in view

of Barney et al (US 5341426).

As per claims 10 and 29, the modified Liu, Kanevsky and
Carter system fails to disclose stored security information
includes private keys and certificates of said authorized system
users.

However Barney et al teaches such cryptographic information
(see column 5 lines 57-65).

At the time of the invention it would have been obvious to
a person of ordinary skill in the art to use Barney et al's
cryptographic information in the modified Liu, Kanevsky and
Carter system.

Motivation to do so would have been require a user to have
authenticated authorization to engage in secure communications
(see Barney et al column 5 lines 57-65).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-36 regarding
the Piotrowski reference have been considered but are moot in
view of the new ground(s) of rejection.

8.   Applicant's arguments filed 07/26/2005 have been fully
considered but they are not persuasive. Applicant argues that
the rejection of claims 16-19 under 35 USC 101 was improper.
Applicant argues Liu fails to disclose verifying a user by
comparing user voice signals with stored voice information of

authorized users; the browser identifying security information
from a secure web site for transfer to a security system; or a
security system or negotiation unit to negotiate security
parameters for the browser to conduct a secure session with a
secure web site and remote storage of security information
enabling negotiation of communication parameters for the network
interface to establish a secure session. Applicant further
argues Carter fails to disclose a secure session between a voice
responsive network interface and a secure web site or, for that
matter, verifying a user as an authorized user based on a
comparison of user voice signals with stored voice information
of authorized users; remotely storing user security information
from the network interface; and a security system or negotiation
unit negotiating communication parameters with a secure web site
for the network interface to enable a secure session between a
secure web site and voice browser.

Regarding Applicant's argument that claims 16-19 were
improperly rejected under 35 USC 101, the carrier signal
contains program logic that is nonfunctional descriptive
material which is non-statutory see MPEP 2106 IV B 1(b).

Regarding Applicant's argument with respect to the Liu
reference, Kanevsky is now relied upon for verifying a user by
comparing user voice signals with stored voice information of

authorized users; Liu teaches the browser identifying security

information from a secure web site for transfer to a security

system in column 3 lines 42-55; and Examiner relies upon

Kanevsky and Carter for teachings of a security system or

negotiation unit to negotiate security parameters for the

browser to conduct a secure session with a secure web site and

remote storage of security information enabling negotiation of

communication parameters for the network interface to establish

a secure session.

Regarding Applicant's arguments with respect to the Carter

reference, Carter is only relied upon for the teaching of

negotiating communication parameters with a secure web site and

creating a secure session (as seen in column 8 lines 6-19). Liu

and Kanevsky teach the other limitations Applicant alleges

Carter fails to disclose.

Conclusion

9.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure. Seazholtz et al

(US 5594789) and Sarukkai (US 20020052747) teach a remote voice

authentication system.

Any inquiry concerning this communication or earlier

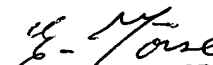communications from the examiner should be directed to Michael

Pyzocha whose telephone number is (571) 272-3875. The examiner

can normally be reached on 7:00am - 4:30pm first Fridays of the

bi-week off.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Emmanuel Moise can be

reached on (571) 272-3865. The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval

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access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MJP

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